

TRIPURA GAZETTE



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PART-- I--Orders and Notifications by the Government of Tripura,
The High Court, Government Treasury etc.

**GOVERNMENT OF TRIPURA
REVENUE DEPARTMENT
(L.R. CELL)**

No.F.34(06)REV/2019/P-II

Dated, Agartala, the 27th April, 2022.

NOTIFICATION

Subject:- Guidelines on Diversion of Water Bodies in private/jote land in Tripura.

1. Water bodies like ponds are an essential part of the Village / City landscape and ecosystem. They absorb flood water, store water for dry month, replenish ground water, enhance the water quality and support biodiverse habitats and they can also open up a new avenue in economy mainly through fisheries and irrigation.
2. TLR & LR Act, 1960 and Rules, 1961 prescribed certain guidelines, eligibility criteria to be followed in case of diversion of Agriculture land to non-agriculture purpose. But there are no specific guidelines in the TLR & LR Act & Rules in respect of diversion of water bodies (Lake, Pond & other water bodies).
3. As per section 20 (2) of the TLR & LR Act, 1960, **Permission to divert may be refused** by the competent authority only on the ground that the diversion is likely to cause a public nuisance or that it is not in the **interest of the general public** or that the holder is unable or unwilling to comply with the conditions that may be imposed under sub-section (3).
4. As per section 20 (3) of the TLR & LR Act, 1960, **Conditions may be imposed** on diversion for the following objects and no others, namely, **in order to secure the public health, safety and convenience**, and in the case of land which is to be used as building sites, in order to secure in addition that the dimensions, arrangement and accessibility of the sites are adequate for the health and convenience of occupiers **or are suitable to the locality**.
5. In pursuance of the section 20 (2) & section 20 (3) of the TRL & LR Act, 1960, it has been considered appropriate by the Government to impose reasonable terms & conditions before allowing or rejecting any application for Diversion of water bodies.
6. It has, therefore, been decided that the following guidelines should be followed by the competent authority while disposing application for diversion of water bodies :-
 - (a) The competent authority should examine the diversion application in respect of following:-
 - (i) Whether the diversion of water bodies is not in the interest of general public.
 - (ii) Whether the diversion shall cause any public nuisance in respect of public health, safety and convenience
 - (iii) Views of the Tripura State Pollution Control Board may be obtained.
 - (iv) Views of the Department of Fire & Emergency Services shall be obtained. Without No objection of this department, no diversion permission shall be accorded.
 - (v) All the diversion proposals will have to be approved by the District/Sub-Division wise committee constituted by Department of Science, Technology & Environment vide memorandum No.F.8 (21)-DSTE/ENV/Pt- I/L/1810-18 dated 05/04/2013.
 - (vi) If the diversion of water body is for the purpose of construction of dwelling house and the applicant does not have any other alternative land for construction of dwelling house, then diversion permission shall be accorded for maximum 0.04 acre in Urban area and 0.06 acre in Rural area based on merit of each case subject to the fulfillment of the condition in point No- (i), (ii), (iii), (iv) & (v) and the remaining area, if any, of the water body shall be retained in its original condition.

- (vii) If the water body is found to be already diverted, penalty should be imposed as per the provision of the TLR & LR Act, 1960.
7. In case of diversion of water bodies, power shall be vested to all DM & Collectors to issue diversion permission for pond/tank and other water bodies etc in place of Deputy Collector & Magistrate.
 8. This is in suppression of all earlier issued notification/memorandum in connection with water bodies diversion.

Aar 20/4/21
(A.K. Bhattacharyaa)
Addl. Secretary to the
Government of Tripura.